

Attachment 8:

Planning Commission Action letter dated October 11, 2006

COUNTY OF SANTA BARBARA
CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
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October 13, 2006

Leo Evans
2248 Glacier Lane
Santa Maria, CA 93445

PLANNING COMMISSION
HEARING OF OCTOBER 11, 2006

RE: Northpoint Unit III, Phase IV, 98-DP-023

Hearing on the request of Leo Evans, to consider Case No. 98-DP-023 [application filed on August 25, 1998] for approval of a Final Development Plan under the provisions of Article III of the DR 3.3 Zone District, to develop 32 condominiums on previously recorded lots (TM 12,414) and one common lot; and to accept the prior environmental document, 78-EIR-9 and supplement, 92-SD-2, as adequate Environmental Review pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 107-560-001 through -033, located in the Northpoint Village, Santa Maria area, Fourth Supervisorial District. (Continued from 9/13/06)

Dear Mr. Evans:

At the Planning Commission hearing of October 11, 2006, Commissioner Valencia moved, seconded by Commissioner Smyser and carried by a vote of 5-0 to:

1. Adopt the required findings for the project specified in Attachment A of the staff report dated September 1, 2006, including CEQA findings, as revised by staff memorandum dated September 29, 2006;
2. Accept the Environmental Impact Report 78-EIR-9 and Supplemental Document 92-SD-2 and Addendum as adequate for this project and adopt the mitigation monitoring program contained in the conditions of approval; and
3. Approve 98-DP-023 subject to the conditions included as Attachment B of the staff report dated September 1, 2006 as revised, by staff memos dated September 29, 2006 and October 11, 2006, and as revised at the hearing of October 11, 2006.

REVISIONS TO THE CEQA FINDINGS

CEQA finding 1.1, language is added:

- 1.1 Finding that Sections 15183, 15162 and 15164 of the State CEQA Guidelines applies to the Northpoint Unit III, Phase IV, 98-DP-023. CEQA Sections 15162 and 15164 allows the use of an addendum to a previously prepared EIR unless subsequent changes are proposed in the

project which will require important revisions of the previous EIR due to the involvement of new significant environmental impacts, or there are substantial changes with respect to the circumstances under which the project is undertaken, or new information becomes available. As discussed in Section 6.1 of the staff report and the addendum, there are no substantial changes to the proposed project and neither new significant environmental effects nor substantial increases in the severity of previously identified significant effects which would result from the proposed project. Moreover, the proposed reduction in bedrooms on several of the units, and the slight reduction in parking spaces, would not change the conclusions of the environmental documents. In addition, because there are no identified impacts peculiar to the project it is exempt pursuant to CEQA Guidelines section 15183.

CEQA finding 1.2 is amended:

- 1.2 The Planning Commission may find that the previous environmental documents 78-EIR-9 and 92-SD-2 and the Addendum for the Northpoint Village and Phase IV may be used to fulfill the environmental review requirements of Northpoint Unit III, Phase IV, 98-DP-023. No impacts previously found to be insignificant are now significant. The changes to the number of bedrooms and the increase in parking do not change the conclusions of the environmental documents. Taken together, the original environmental documents and theis addendum determination fulfill the environmental review requirements of the current project and reflects the independent judgment of the Planning Commission. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a supplemental or subsequent new EIR is not necessary.

REVISIONS TO THE CONDITIONS OF APPROVAL, 98-DP-023

Condition 1, Project Description, second paragraph, third sentence is amended:

A total of four buildings (one 8 unit, one 6 unit, and two 9 unit) would make up the total proposed structures. The size of the units would range from 1,671 sq. ft. (2 bedrooms) to 1,810 sq. ft. (3 bedrooms) and all units would have an attached two car garage. The maximum height of the two story buildings would be range from 20 feet (one-story) in height to 30.5 feet (two-story). The structures would cover 25.2% (35,220 sq. ft.) of the total 3.21 acre site.

Condition 13 is amended:

13. ~~Prior to land use clearance of the Development Plan, the applicant shall form a Homeowner's Association and record CC&R's that provide for shared maintenance responsibilities by parcels 107-560-001 through 107-560-032 for the private open space area (APN 107-560-033) appurtenant landscaping, subject to approvals from Flood Control, P&D and County Counsel. The CC&R's shall also include by reference responsibilities for all parcels to maintain property in compliance with all conditions of approval for the project. The Homeowner's Association shall pay the existing Northpoint HOA for its share of the repair and maintenance to Northpoint Circle and Parkview North (existing access roads) and the existing Northpoint retention basin; the pro rata share shall be 15% of any such repairs and maintenance. Prior to issuance of any Land Use Permits, Owner shall provide Planning & Development with evidence of a written signed agreement between Owner and Village of Northpoint Homeowners' Association ("Association) providing for annexation of the project into the existing Association, or, alternatively evidence of an agreement between Owner and the Association which shall include, without limitation, the following:~~
- a. Mutually acceptable provisions for temporary construction access across Association's private roadway (portions of Northpoint Circle) to Owner's contractors and suppliers during construction of the project.

- b. Mutually acceptable provisions for the future control, management, maintenance, and repair of all shared common areas and amenities between Owner and the future Project occupants and the Association, including, without limitation, the private roads and retention basin currently owned and maintained by the Association.

There shall be no deviation from the above stated conditions without Planning & Development approval.

Condition 25, Flood Control Compliance Letter is amended:

25. Compliance with Departmental letters required as follows:

- d. Flood Control dated October 10, 2006 ~~September 12, 2006~~, subject to the revisions made by the Planning Commission to item no. 3 at the October 11, 2006 hearing as follows:

3. ~~Prior to issuance of Land Use Clearance, the applicant shall form a new Homeowner's Association (HOA) and record CC&R's that provide for maintenance of the private drainage improvements required for development. Said new HOA shall be liable to the existing Northpoint HOA for Repairs and maintenance of the existing Northpoint retardation basin shall be consistent with the required agreement between the applicant and the existing Northpoint HOA.~~

The attached findings and conditions of approval reflect the Planning Commission's actions of October 11, 2006.

Decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision. Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within ten (10) calendar days of the date of the Planning Commission's decision. **The appeal period for this project ends on Monday, October 23, 2006 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$443 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA.

If this action is appealed, this letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period and to collect the required appeal fee.

Sincerely,



Dianne Meester Black
Secretary to the Planning Commission

cc: ~~C~~ase File: 98-DP-023
Planning Commission File
Records Management

Engineer: Dennis Bethel & Association, 2450 Professional Parkway, Santa Maria, CA 93455
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Supervisor Gray, Fourth District
Commissioner Valencia, Fourth District
David Allen, Deputy County Counsel
John Zorovich, Planner

Attachments: **Attachment A – Findings**
 Attachment B- Conditions of Approval

DMB:tlc

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 Finding that Section 15183, 15162 and 15164 of the State CEQA Guidelines applies to the Northpoint Unit III, Phase IV, 98-DP-023. CEQA Section 15162 and 15164 allow the use of an addendum to a previously prepared EIR unless subsequent changes are proposed in the project which will require important revisions of the previous EIR due to the involvement of new significant environmental impacts, or there are substantial changes with respect to the circumstances under which the project is undertaken, or new information becomes available. As discussed in Section 6.1 of the staff report and the addendum, there are no substantial changes to the proposed project and neither new significant environmental effects nor substantial increases in the severity of previously identified significant effects which would result from the proposed project. Moreover, the proposed reduction in bedrooms on several of the units, and the slight reduction in parking spaces, would not change the conclusions of the environmental documents. In addition, because there are no identified impacts peculiar to the project it is exempt pursuant to CEQA Guidelines section 15183.
- 1.2 The Planning Commission may find that the previous environmental documents 78-EIR-9 and 92-SD-2 and the Addendum for the Northpoint Village and Phase IV may be used to fulfill the environmental review requirements of Northpoint Unit III, Phase IV, 98-DP-023. No impacts previously found to be insignificant are now significant. The changes to the number of bedrooms and the increase in parking do not change the conclusions of the environmental documents. Taken together, the original environmental documents and the addendum fulfill the environmental review requirements of the current project and reflects the independent judgment of the Planning Commission. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a supplemental or subsequent EIR is not necessary.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Dianne Black, in the Planning and Development, located at 123 E. Anapamu Street, Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 Development Plan Findings

Pursuant to Section 35-315.8 of Article III, a development plan application shall only be approved or conditionally approved if all of the following findings are made.

- 2.1.1 *That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the density and intensity of development proposed.*

The proposed project was originally evaluated under TM 12,414 and 82-DP-3 at which time a finding was made that the project was adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed. In that the project involves the development of previously recorded parcels, a reduction in density is not

feasible. Moreover, the site is presently located within a developed urban area of Orcutt. The site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of the proposed development as evidenced by the following:

- a. The shape of the site is fairly regular, and is not a concern to development. No special setback requirement or modifications to building size or shape are required.
- b. The site is adjacent to three roadways (Foster, Hummel and Union Valley Parkway) which provide access for the site. Two new internal roadways would be added to existing internal roadways for circulation within the Northpoint development.
- c. The topography in the area of Phase IV is relatively flat, due to rough grading of the site during earlier phases of Northpoint and would accommodate the proposed development without major changes in the relationship of existing grade elevations to abutting properties.
- d. The current development conforms to the previous Phase IV of the original Northpoint development, approved as 82-DP-03 and 92-DP-017. All other phases of development have been constructed and occupied.

2.1.2 *That adverse impacts are mitigated to the maximum extent feasible.*

Adverse impacts are mitigated to the maximum extent feasible as indicated in the environmental documents. All impacts have been mitigated to insignificance with the exception of the school impacts. The County is preempted by State law from requiring mitigation of this impact beyond the developer fees (per § 65995), and the school district fees can not be assessed because the school districts waived the fees and the Tract Map was recorded prior to the implementation of the fee program. Therefore, there is no feasible mitigation for the school impact and this finding can be made.

2.1.3. *That streets and highways are adequate and properly designed.*

The project is expected to generate 18 PHT and 188 ADT (0.56 PHT/hr.; 5.86 ADT/unit; ITE). The Foster Road segment between Bradley Road and S.R. 135 currently operates at 8,800 ADT which is above the policy capacity (5000 ADT), but well below the design capacity of 11,800 ADT. Since there are no sharp curves, poor sight distance, or inadequate pavement structure, etc. (as described in the threshold manual), the project could exceed the policy capacity and not result in significant impact to the roadway. An alternate access route via Hummel and Union Valley Parkway is also available to bypass Foster Road during peak hours. Two new private internal roadways will be added to existing internal private roadways to allow access to the private driveways. Pursuant to the Supplemental Document, impacts to existing roadways would be considered less than significant.

2.1.4 *That there are adequate public services, including, but not limited to, fire protection, water supply, sewage disposal and police protection, to serve the project.*

The Golden State Water Company has issued a Can and Will Serve letter for the project. The district has determined that adequate water resources are available for the life of the project. Laguna County Sanitation District also has issued a Can and Will Serve letter for the project. Adequate capacity at the sewage treatment plant has been reserved for this project and others that have received the Can and Will Serve letter. With implementation of the County Fire

Department's proposed conditions of approval, adequate services would be available. No additional services were deemed necessary for police protection.

2.1.5. *That the project will not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood and will not be incompatible with the surrounding areas.*

The project would not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and would be compatible with surrounding areas as evidenced by the following:

- a. The project would be served by all public utilities.
- b. Environmental impacts would be mitigated to the maximum extent feasible as discussed above.
- c. The 32 units would be separated from the adjacent single family development by a solid block wall. The wall would be a continuation of the wall that separates prior phases of Northpoint from single family homes to the east. The 32 units would be compatible with development to the north and west which are prior phases of the Northpoint development. The height, scale, colors and character of the existing Northpoint units have been used in Phase IV as well.

2.1.6. *That the project is in conformance with the applicable provisions of Article III and the Comprehensive Plan.*

Although development of the 32 units within the 3.4 acre gross portion would result in a density of 9.4 units/acre, given the entire project, approved as a single project and found consistent with the density, 219 units on 80 acres, total project density is below the maximum density of 3.3 units/acre allowed [219 units/80 acres = 2.74 units/acre]. Since Phase IV is a portion of the overall Northpoint development, the project is in compliance with the density allowed by the DR-3.3 zone district. Based on provisions addressed in the Staff Report dated September 1, 2006, the project would be consistent with all Comprehensive Plan policies and Zoning Ordinance Article III. The project is consistent with the Circulation Element which was in effect at the time the project was deemed complete.

2.1.7. *That in rural designated areas the use is compatible with and subordinate to the scenic and rural character of the area.*

The proposed project is located within a designated urban area of the township of Orcutt, as such, this finding does not apply.

2.1.8. *That the project will not conflict with any easements required for public access through, or public use of, a portion of the property.*

There are no known public access easements that would be affected by this project. The map, recording the parcels, acknowledged applicable easements for utility and infrastructure purposes to serve this project.

ATTACHMENT B: CONDITIONS OF APPROVAL (98-DP-023)

I. Project Description:

1. This final development plan [98-DP-023] is based upon and limited to compliance with the project description, Planning Commission Exhibit 1 (Final Development Plan including grading plan, landscape plans, floor plans and elevations) and conditions of approval set forth below. Any deviations from the project description or the conditions must be reviewed and approved by the Director of P&D for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Hearing on the request of Mr. Leo Evans, to consider Case number 98-DP-023 [application filed August 25, 1998] for approval of a Final Development Plan under the provisions of Article III of the DR 3.3 Zone District, to construct 32 (2, 3 and 4 bedroom) townhouse condominiums on previously recorded lots (TM12,414) and one common lot.

A total of four buildings (one 8 unit, one 6 unit, and two 9 unit) would make up the total proposed structures. The size of the units would range from 1,671 sq. ft. (2 bedrooms) to 1,810 sq. ft. (3 bedrooms) and all units would have an attached two car garage. The maximum height of the two story buildings would be 30.5 feet. The structures would cover 25.2% (35,220 sq. ft.) of the total 3.21 acre site.

The proposed population of the project would be approximately 137 residents. A total of 82 parking spaces would be provided for a ratio of 2.56 spaces per unit.

Open space and landscaping on the property would cover 40.7% of the site for a total of 57,026 sq. ft. Amenities (barbecues, benches, picnic tables) would be provided in the common areas.

Water and sewer services are to be provided by the Golden State Water Company and Laguna County Sanitation District (LCSD), respectively. Fire protection service for the site would be provided by Santa Barbara County, Station #22.

Public roadway access would come from Hummel Road, to two proposed private drives (24 ft. wide) that provide access to the residential driveways. Drainage for the site would be directed toward an existing retention basin. The project corresponds to Phase IV of the original Northpoint Village Development.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto. All plans submitted for review and approval shall be implemented as approved.

II. Mitigation Measures from Environmental Document

Air Quality:

2. Dust generated by the development activities shall be retained on site and kept to a minimum by following the dust control measures listed below.

- a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- b) After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.
- c) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
- d) All areas not proposed for immediate development (e.g. within two weeks) shall be seeded or treated with soil binders to prevent soil erosion or dust generation.
- e) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- f) Trucks transporting soil, sand, cut or fill materials to or from the site shall be tarped from the point of origin.
- g) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary, to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. P&D, Grading and Building shall spot check; Grading, Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

Noise:

3. Construction activity for site preparation shall be limited to the hours between 7 a.m. and 4 p.m. Monday through Friday. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting and drywall taping are not subject to these restrictions. Two signs stating these restrictions shall be provided by the applicant and posted on site at entrances. **Timing:** Signs shall be in place prior to LUP for grading and throughout construction activities.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

4. Proposed construction methods and materials shall provide a noise reduction factor of not less than 20 dB(A) in all interior habitable living areas.

MONITORING: Construction plans shall be reviewed by the Building and Safety Division of Public Works to determine that proposed construction methods and materials shall provide a noise reduction factor of not less than 20 dB(A) in all interior habitable areas.

Water Resources:

5. Landscaping with low water-use, drought tolerant plants, shall comprise at least 75% of all new landscaping and lawn areas shall be minimized. Drought tolerant natives and/or Mediterranean type landscape screening, with sufficient trees as determined by Planning and Development staff, shall be included in the landscape plan and planted on the site. The vegetation shall be staggered and shall be situated to blend with natural habitats and to screen the effects of grading and paving. The applicant shall submit three copies of a final landscape plan for all 32 units to P&D for review and stamped approval prior to issuance of a land use permit for residential construction. Performance security shall be posted with the County, for plant installation, water-conserving irrigation, and 3-year maintenance prior to issuance of a land use permit for residential construction. However, if the development is phased, the applicant shall post sureties for the balance of the units prior to issuance of building permits. The surety shall guarantee compliance with the provisions below:
 - a. Installation of landscaping, irrigation, timers, walls, fencing and amenities in accordance with the approved landscape plan prior to occupancy clearance; and
 - b. Two performance securities shall be provided by the applicant prior to land use clearance for residential construction, one equal to the value of installation and/or replacement of all items listed in section a. above (labor and materials) and one equal to the value of maintenance of the items listed in section a. for three years. These amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or a modification to the plan. The installation security shall be released upon satisfactory installation of all items in section a. If plants and irrigation (and/or any items listed in section a. above) have been established and maintained, P&D may release the maintenance security 3 years after installation. If applicant fails to either install or maintain according to plan, P&D may collect security and complete work on property.

MONITORING: P&D shall review and approve landscape plans. Bonds shall be reviewed by P&D and approved as to form by County Counsel, if necessary. Prior to occupancy, landscaping and irrigation shall be installed and inspected by P&D compliance staff. P&D shall inspect plantings prior to release of both installation and maintenance sureties.

6. Prior to issuance of Land Use Permit for residential construction, the applicant shall provide evidence that an avigation easement has been recorded over each lot in Phase IV.

MONITORING: P&D Compliance staff shall verify that the document has been recorded before any permits for structures are issued by this department.

III. Project Specific Conditions

7. **Grading/Erosion Control.** A grading and erosion control plan, which minimizes erosion/sedimentation, shall be implemented, including the following:
 - a. Graded areas shall be re-vegetated within 4 weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If necessary, as determined by Planning and Development (P&D), irrigation shall be provided.
 - b. Until construction of individual homes, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the P&D Grading Division and Air Pollution Control District.

- c. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
- d. Temporary storage of construction equipment shall be limited to 100 by 100 foot areas located on-site.
- e. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a P&D Building & Safety approved erosion control plan is in place and all measures therein are in effect.
- f. Irrigation shall be controlled so that over watering does not occur. An irrigation schedule shall be reviewed and approved by P&D prior to land use clearance for grading.

Plan Requirements: The grading and erosion control plan shall be submitted for review and approved by P&D and the Flood Control District prior to approval of the first land use permits for the project. This condition shall be noted on grading plans. Applicants for development shall notify P&D Permit Compliance prior to commencement of grading. **Timing:** Components of grading plans shall be implemented prior to occupancy clearance. **Monitoring:** Permit Compliance will photo document re-vegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

8. **Drainage Control.** Drainage shall be consistent with approved drainage plans. Runoff from roof drains and gutter downspouts shall be collected and conveyed to the street or nearest catch basin. **Plan Requirements and Timing:** A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to approval of Land Use Permit for site grading by the applicant to P&D and the Flood Control District for review and approval. The plan shall include the location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in the creek, and amount of water that would flow from each pipeline. The components of the drainage plan shall be implemented as part of the project site grading. Grading inspectors shall monitor technical aspects of grading activities.
9. **Grading in dry season:** The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion. P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.
10. **Seismic Standards.** Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone IV. **Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building and Safety Division. Building inspectors shall site inspect prior to occupancy clearance.
11. **Archaeological/Cultural Resources Discovery.** In the event that archaeological or palaeontological remains or historical artifacts are uncovered during grading, work shall be stopped immediately or redirected until a County-qualified archaeologist and, as applicable, a Native American representative or historian, are retained by the applicant to evaluate the find pursuant to the County Archeological Guidelines. If a cultural resources site is found, Orcutt

Community Plan 95-EIR-01 Mitigation Measures ARCH-1 through ARCH-9 shall apply. **Plan Requirements and Timing:** The developer shall fund all mitigation of resource impacts. This measure shall be printed on all grading and building plans. This measure shall be in effect throughout grading and building.

12. A trash storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on landscaping plans. **Timing:** Trash storage area shall be installed prior to occupancy.
 13. Prior to issuance of any Land Use Permits, Owner shall provide Planning & Development with evidence of a written signed agreement between Owner and Village of Northpoint Homeowners' Association ("Association) providing for annexation of the project into the existing Association, or, alternatively evidence of an agreement between Owner and the Association which shall include, without limitation, the following:
 - a. Mutually acceptable provisions for temporary construction access across Association's private roadway (portions of Northpoint Circle) to Owner's contractors and suppliers during construction of the project.
 - b. Mutually acceptable provisions for the future control, management, maintenance, and repair of all shared common areas and amenities between Owner and the future Project occupants and the Association, including, without limitation, the private roads and retention basin currently owned and maintained by the Association.
- There shall be no deviation from the above stated conditions without Planning & Development approval.
14. Project grading shall not exceed the limits shown on the preliminary grading and drainage plan. Staff may determine substantial conformity if the final grading plan shows grading volumes that exceed original estimates. **Plan Requirements:** The requirement shall be printed on the grading and construction plan. P&D to review and approve final grading and drainage plans. Grading/Building Inspectors shall monitor technical aspects of the grading activities.
 15. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance. P&D shall review receipts prior to occupancy clearance.
 16. **Washout Area:** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Land Use Permits. The washout area(s) shall be in place and maintained throughout construction. P&D staff shall check plans prior to

approval of Land Use Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

17. Electrical utilities shall be installed underground.
18. Consistent with the project description and to provide consistency with Orcutt Community Plan Fiscal Policy FSCL-O-2 and Development Standards DevStd FSCL-O-2.2 (new development is required to pay its fair share of the cost of operation and maintenance of public facilities), DevStd FLD-O-4.2 (regional retention basins), DevStd OS-O-7.3 (recreation facilities, landscape medians, open space, trails), and DevStd LIB-O-1.4 (library), and to provide revenue for operations and maintenance of such regional public facilities shown in the Orcutt Community Plan Public Infrastructure Finance Program, prior to land use clearance the permittee shall complete annexation to the existing Community Facilities District unless the Board of Supervisors determines there is an alternative funding mechanism.
19. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D. **Timing:** P&D shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

IV. Standard Conditions

20. Approval of the Final Development Plan shall expire five (5) years after approval by the Planning Commission, unless prior to the expiration date, the first house in the development has been completed or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant time extensions in accordance with the provisions of Article III.
21. No permits for development, including grading, shall be issued except in conformance with an approved final development plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved final development plan marked Planning Commission Exhibits A-F, dated September 13, 2006. Substantial conformity shall be determined by the Director of P&D.
22. If the applicant requests a time extension for this project, the project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of approval of a LUP.

V. County Rules and Regulations:

23. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit (zoning clearance) from the Planning and Development Department for all 32 units. Land use clearance for the 32 units shall not be phased even if development is phased. A Land Use Permit expires one year from issuance and a time extension must be sought by the applicant prior to expiration of the LUP. The Land Use Permit (zoning clearance) is required by ordinance and is necessary to ensure implementation of

the conditions required by the Planning Commission. Before a Land Use Permit (zoning clearance) will be issued by the Planning and Development Department, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in the Planning and Development Department.

24. Prior to issuance of a Land Use Permit, the owner shall sign and record an agreement to comply with the project description and all conditions of approval. The forms are available at the P&D office.
25. Compliance with Departmental letters required as follows:
 - a. Air Pollution Control District dated August 25, 2006.
 - b. Environmental Health Services dated July 31, 1992.
 - c. Fire Department dated September 12, 2006.
 - d. Flood Control dated October 10, 2006 subject to the revisions made by the Planning Commission to item no. 3 at the October 11, 2006 hearing as follows:
 3. Repairs and maintenance of the existing Northpoint retardation basin shall be consistent with the required agreement between the applicant and the existing Northpoint HOA.
 - e. Roads Division (Public Works) dated July 22, 1992
 - f. Park Department dated October 21, 1998 (no conditions).
 - g. Santa Maria Airport District dated June 24, 1992.
26. **Print & illustrate conditions on plans:** All applicable final conditions of approval Planning Commission shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

Fees Required:

27. **Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, and other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such

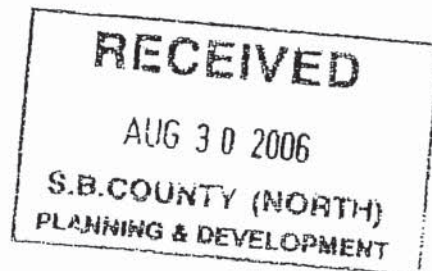
cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

28. **Fees Required:** Prior to recordation of the map, the applicant shall pay all applicable P&D permit processing fees in full.
29. All applicable Orcutt Community Plan fees shall be paid prior to Land Use Clearance.
30. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attach, set aside, void, or annul, in whole or in part, the County's approval of the final development plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
31. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for in section 66499.37, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the Planning Commission and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.
32. Title to the Open Space shall be held by a non-profit association of property owners in the subdivision, or to any other individual or entity upon such reasonable times and conditions as the Planning Commission may prescribe, subject to the rights to the develop such property to any other use than Open Space or non-commercial recreation uses shall be conveyed to the County of Santa Barbara.



Santa Barbara County
Air Pollution Control District

TO: Department of Planning and Development
ATTN: John Zorovich
FROM: Vijaya Jammalamadaka *VJ*
DATE: August 25, 2006
CASE #: 98-DP-023 Northpoint Unit III Phase IV
(APN 107-560-001)
(APN 107-560-032)
(APN 107-560-033)



The Air Pollution Control District has reviewed the referenced case and offers the following:

- The APCD has no comment on this project at this time.
- Applicant must be issued an APCD permit prior to construction or operation of this project.
- Applicant must apply for an APCD permit exemption prior to land use clearance.
- The applicant should determine whether the structure(s) proposed for demolition contains asbestos that is friable or has the potential to become friable during demolition or disposal. If the structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal.
- Applicant is required to complete the attached "Asbestos Demolition/Renovation Notification" form. The completed form should be mailed to the Santa Barbara APCD and EPA Region IX no later than the date specified in number 2 of the instructions.
- Standard dust mitigation measures (dated September 1996) are recommended for all construction and/or grading activities. The name and telephone number of an on site contact person must be provided to the APCD prior to issuance of land use clearance.

cc:

Urban Planning Concepts, Agent
Project File
TEA Chron File

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT
STANDARD DUST CONTROL REQUIREMENTS

1. Dust generated by the development activities shall be retained onsite and kept to a minimum by following the dust control measures listed below. Reclaimed water shall be used whenever possible.
 - a. During clearing, grading, earth moving or excavation, water trucks or sprinkler systems are to be used in sufficient quantities, after each day's activities cease, to prevent dust from leaving the site and to create a crust.
 - b. After clearing, grading, earth moving or excavation is completed the disturbed area must be treated by watering or revegetating; or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - c. During construction, water trucks or sprinkler systems are to be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

2. Importation, Exportation and Stockpiling of Fill Material:

Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Trucks transporting fill material to and from the site shall be tarped from the point of origin.

If the construction site is greater than five acres, gravel pads must be installed at all access points to minimize tracking of mud on to public roads.

3. Activation of Increased Dust Control Measures:

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

4. Recordation of Mitigation Measures:

Prior to land use clearance the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.



COUNTY OF SAN A BARBARA
ENVIRONMENTAL HEALTH SERVICES DEPARTMENT

120 CREMONA DRIVE, SUITE C • COLETA, CALIFORNIA 93117
PHONE (805) 681-4900 • FAX: (805) 681-4901

CARY W. ERBECK, R.E.H.S., M.P.H.
DIRECTOR

ES 2 23 E-10

TO: Resource Management Department
Development Review Division
Attn: Larry Appel, Planner

FROM: Rick Merrifield
Environmental Health Services

8743-D *ES*

Northpoint

DATE: July 31, 1992

SUBJECT: Case No. 92-OA-006 (REVISED)
Related Case No. TM 12,414

Orcutt Area

Applicant: Robert Wilks
5845 Oakhill Drive
Santa Maria, CA 93455

Property Location: Assessor's Parcel No.'s 107-560-001, -032 and -033 zoned PR, located just south of Foster Road, approximately 0.25 mile east of Hwy. 135 in the existing development of Northpoint, in the Orcutt area.

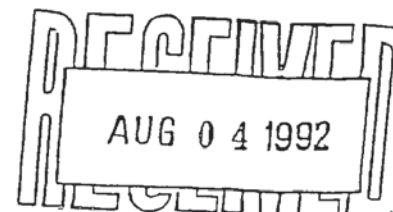
This letter supersedes previous correspondence regarding this project dated July 2, 1992 and is written to correct the timing of recommended conditions of approval.

92-OA-006 represents a request to approve a development agreement to allow construction of 32 townhouse condominiums on previously recorded lots (TM 12,414) and one common lot. The project corresponds to Phase IV of the original Northpoint Village development.

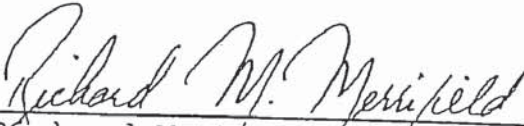
Domestic water supply is proposed to be provided by Southern California Water Company.

Sewage disposal is proposed to be provided by Laguna County Sanitation District.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:



1. Prior to Land use Clearance, Environmental Health Services shall approve written notice from the Southern California Water Company indicating that said company can and will provide domestic water service upon demand and without exception and that all financial arrangements guaranteeing extension of said service have been made to the satisfaction of the district and Environmental Health Services.
2. Prior to Land Use Clearance, Environmental Health Services shall receive written notice from the Laguna County Sanitation District indicating that said district can and will provide municipal sewage collection and disposal service upon demand and without exception and that all financial arrangements guaranteeing extension of said service have been made to the satisfaction of the district and Environmental Health Services.
3. Prior to Issuance of Building Permits, Environmental Health Services shall review and approve the construction plans and regulations for the spa pool and any necessary rest rooms for the pool related facilities.



Richard M. Merrifield, R.E.H.S.
Sr. Environmental Health Specialist

cc: Applicant

Agent, Dennis Bethel & Associates, 2450 Professional
Parkway, Suite 10, Santa Maria, CA 93454

Southern California Water Company

Laguna County Sanitation District

County Counsel, Rick Sanchez

County Surveyor, Rich Riffero

SENT BY: SBCU PLAN DEV SM, 8059340238, OCT-10-06 8:20AM, PAGE 2

Memorandum

Date: September 12, 2006
To: John Zorovich
Planning & Development
Santa Maria
Fax 6258



From: Glenn Fidler, Inspector
Fire Department

GF/JOM

SEP 12 2006

Subject: APN: 107-560-001/032/033; Case #: 98-DP-023
Site: North Point Circle, Orcutt
Project Description: 32 New Condominiums

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

**PRIOR TO BEGINNING ANY WORK
THE FOLLOWING CONDITIONS MUST BE MET**

1. Operations involving removal of asbestos or asbestos containing material (ACM) shall be in accordance with the California Fire Code, Section 8707. Obtain a permit from the fire department to conduct asbestos or ACM removal operations. Contact the Inspection Services Unit at (805) 686-8181 for additional information.

**PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS
THE FOLLOWING CONDITIONS MUST BE MET**

2. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

Access shall be as shown in Assessor Parcel Book 107, Page 56, dated June 30, 1982.

107-560-001/032/033

2

September 12, 2006

3. Three (3) fire hydrants shall be installed. The hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department. The hydrants shall consist of one 4-inch outlet and two 2½-inch outlets. The system shall be tested by the fire department to ensure compliance with recognized standards. See Standard #2.

**PRIOR TO OCCUPANCY CLEARANCE
THE FOLLOWING CONDITIONS MUST BE MET**

4. The fire department shall determine and assign all address numbers and shall issue such numbers to property owners and occupants.
5. Building address numbers shall be posted in conformance with fire department standards.
6. Portable fire extinguisher(s) are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.
7. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.
8. When access ways are gated, a fire department approved locking system shall be installed.
9. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.
10. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems
Orcutt Fees shall apply

107-560-001/032/033

3

September 12, 2006

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

GF:reb

c: Leo Evans, Fax 937-2823
APN/Chron

RECEIVED

OCT 10 2006

S.B. COUNTY
PLANNING & DEVELOPMENT



FILE COPY

Santa Barbara County Public Works Department
Flood Control & Water Agency

October 10, 2006

Planning Commission
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

**Re: 98-DP-023; Northpoint Village Unit III, Phase IV
APN: 107-560-001 through -033/Orcutt**

Note: This letter supersedes our previous letters dated August 29, 2006 & September 12, 2006

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions:

1. Prior to issuance of Land Use Clearance, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to issuance of Land Use Clearance, the applicant shall submit drainage plans to the District for review & approval. Said plans shall convey drainage to the existing Northpoint retardation basin.
3. Prior to issuance of Land Use Clearance, the applicant shall form a new Homeowner's Association (HOA) and record CC&R's that provide for maintenance of the private drainage improvements required for the development. Said new HOA shall be liable to the existing Northpoint HOA for repairs and maintenance of the existing Northpoint retardation basin, consistent with the required agreement between the applicant and the existing Northpoint HOA.
4. All drainage improvements required as part of the above conditions shall be constructed in accordance with approved plans and certified by a Registered Civil Engineer prior to issuance of occupancy clearance.
5. The applicant will be required to pay the current plan check fee deposit at the time the plans are submitted for District review and approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale W. Weber".

Dale W. Weber, P.E.
Development Engineer

cc: John Zorovich, Planner, Planning & Development
Leo Evans, 2248 Glacier Lane, Santa Maria, CA 93445
Dennis Bethel & Assoc., 2450 Professional Parkway, Suite 210, Santa Maria, CA 93455
Mike Zimmer, Building & Safety

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123 E. ANAPAMU ST.
SANTA BARBARA,
CALIFORNIA 93101
AREA CODE 805
568-3000
FAX 568-3019



F. G. (SANDY)
Assistant DI

EDWARD J. N
Deputy Dire

DEPARTMENT OF PUBLIC WORKS

MARLENE F. DEMERY
Director

July 22, 1992

Planning Commission
County of Santa Barbara
Engineering Building
123 East Anapamu Street
Santa Barbara, CA 93101

Re: 92-OA-006
Wilks-Northpoint
Development Agreement
(Phase IV of TM 12,414)

Dear Commissioners:

The Department of Public Works recommends the following conditions for the above referenced project:

1. Prior to the beginning of any construction activities, all applicable building, grading, and encroachment permits shall be re-activated and all associated issuance and inspection fees paid. Any associated bonds or securities not already in place shall be posted.
2. The payment of off-site road fees and the credit of these fees towards construction of the Union Valley Parkway shall be in accordance with the settlement agreement.

Sincerely,

Bret A. Stewart, P.E.
Senior Development Engineer



Jennifer Briggs

Director of Parks

(805) 568-2461

Michael Gibson

Business Manager

(805) 568-2477

Rick Wheeler

South County Deputy Director

Tel: (805) 681-5653

Fax: (805) 681-5657

Jeff Stone

North County Deputy Director

Tel: (805) 934-6145

Fax: (805) 934-6213

610 Mission Canyon Road

Santa Barbara, CA 93105

Tel: (805) 568-2461

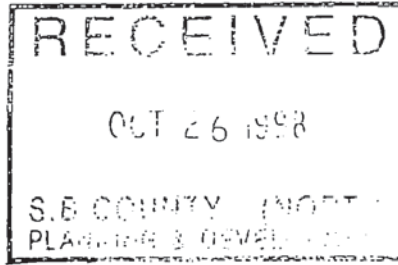
Fax: (805) 568-2459

www.sbparcs.com

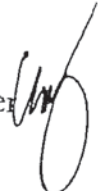
Reservations:

(805) 568-2460 Voice/TDD

Equal Opportunity Employer



TO: Analise Merlo, Planner
Planning and Development

FROM: Claude Garciacelay, Park Planner 

DATE: October 21, 1998

RE: **98-DP-023 Northpoint Unit III Phase IV**

County Parks has no conditions of approval of the above referenced case(s).

cc:



SANTA MARIA
PUBLIC AIRPORT DISTRICT

TELEPHONE 805/922-17
FAX 805/922-06

RECEIVED
JUL 01 1992
S. B. COUNTY (NORTH)
RESOURCE MGT. DEPT.

AIRPORT DISTRICT DIRECTORS

ELAINE A. MALE
President

J. WESLEY KEMP, Vice President

RICHARD A. HULME, Secretary

KEN BRUCE

EDMOND HENNON

ANNE M. RUSSELL
District Councilor

DAN J. HOSACK
General Manager
BRENT S. SHINER
Asst. General Manager
COROTHY J. HAMILTON
Auditor - Controller

June 24, 1992

Larry Appel, Environmental Planner
RESOURCE MANAGEMENT DEPARTMENT
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101-2058

Re: 92-AO-006, Village of Northpoint Phase IV, Wilkes

Dear Mr. Appel:

I have reviewed the Public Notice, project description and environmental review for the referenced project and forward the following for your consideration.

The Village of Northpoint lies on either side of the Safety Corridor which has been established for the Santa Maria Public Airport. Phase IV lies on the north side of the corridor.

When aircraft, regardless of approach category, are landing at the Santa Maria Public Airport and following the visual glide slope projected by the Visual Approach Slope Indicator (VASI) in the vicinity of Phase IV, they will be at an average elevation above the ground of 250 feet.

While aircraft will not normally be operating directly over the homes in Northpoint due to the presence of the safety corridor, it is strongly recommended that the developer grant an Avigation Easement in favor of the Santa Maria Public Airport District over Assessor's Parcel Numbers 107-560-001, -32 and -33 in their entirety.

2

Mr. Larry Appel

Page 2

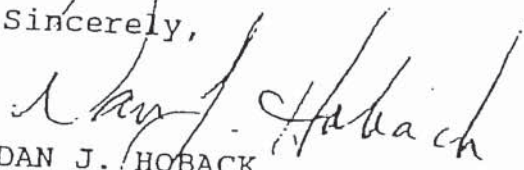
June 24, 1992

I further ask that the ambiguity which is created by the language of Section 3 of Noise and the language of the MONITORING provision be eliminated as follows:

MONITORING: Construction plans shall be reviewed by Building and Safety Division of Public Works to determine that proposed construction methods and materials will provide a noise reduction factor of not less than 20dBA in all interior habitable living areas.

I appreciate the opportunity to comment on this project and your kind offer to read my comments into the record at the meeting of June 25, 1992.

Sincerely,



DAN J. HOBACK
General Manager

DJH:tw

Cy to: Mike Powers